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REPORT TO THE CONGRESS

09489



BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

Actions Taken Or Needed To Curb Widespread Abuse Of The Citizens Band Radio Service

Federal Communications Commission

Use of the Citizens Band, the Federal Communications Commission's largest radio service, is increasing rapidly. Widespread violation of Citizens Band regulations, however, often (1) frustrates station operators attempting to use the service legitimately, (2) disrupts the operation of television and other equipment in residential areas, and (3) causes difficulties for State and local law enforcement.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548


B-159895

01/ To the President of the Senate and the
Speaker of the House of Representatives

This report discusses how the Citizens Band radio service, established for the general public's business and personal use, is being widely abused and what is being done or needs to be done to insure that the Citizens Band effectively serves the public's legitimate needs.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget, and the Chairman, Federal Communications Commission.


Acting Comptroller General
of the United States

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ABBREVIATIONS

ATIS	automatic transmitter identification system
CB	Citizens Band
FCC	Federal Communications Commission
GAO	General Accounting Office

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

ACTIONS TAKEN OR NEEDED
TO CURB WIDESPREAD ABUSE OF THE
CITIZENS BAND RADIO SERVICE
Federal Communications Commission 71

D I G E S T

The Citizens Band, the Federal Communications Commission's largest radio service, is expanding rapidly. In 1974 the Commission started a general revision of Citizens Band rules and released its First Report and Order in August 1975.

The Commission received 31,000 complaints in fiscal year 1975 about Citizens Band violations. These complaints included 250 investigation requests by Members of Congress. (See pp. 3 and 4.)

The widespread violations have impaired the usefulness of the Citizens Band as a low-cost, short-distance communications system for the general public. Many users are dissatisfied because of channel congestion, attributable in part to unauthorized use. (See p. 4.)

Citizens Band violators frequently create problems in residential areas for users of television and other electronic equipment. (See p. 5.)

Improper use of the Citizens Band has caused problems for State and local law enforcement officials. A major concern has been truckers' use of the Citizens Band to avoid highway speed and weight limitations. (See p. 6.)

The short-term presence of traveling enforcement teams in communities has not significantly deterred Citizens Band violators operating throughout the country. Because violators seldom identify themselves, identifying them by use of radio direction-finding equipment is time consuming. (See p. 8.)

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Meanwhile, the Commission has

- discontinued its practice of routinely reducing violators' fines;
- adopted restrictions on power amplifiers, which boost transmitters to unauthorized levels of power;
- reserved Channel 11 as a calling channel to simplify establishing contact over the air;
- with the exception of two special-purpose channels, made all channels available for both intrastation and interstation use;
- tightened regulations governing Citizens Band antennas; and
- reduced the Citizens Band license fee--an action which should encourage some unlicensed operators to become licensed.

It has also requested congressional legislation (1) authorizing it to assess fines against unlicensed operators and (2) making it a Federal crime to kill, assault, or intimidate FCC personnel performing official duties.

The Commission is relying on the voluntary compliance of Citizens Band operators to keep hobby-use violations to a minimum. As in the past, the Commission's enforcement policy will generally be not to monitor hobby conversations per se but to concentrate on other major violations which frequently accompany hobby use.

The Commission is studying proposals to increase the number of Citizens Band channels and to require transmitters to be equipped with an automatic transmitter identification system. If adopted, these proposals would take several years before becoming fully operational and represent longer-term possibilities for improving Citizens Band service.

The Commission should

- reassess the purposes of the Citizens Band and other special radio services used by the general public to develop clear policy guidance for use in Citizens Band program decisionmaking;
- consider a broader-based compliance program including publicity and educational programs as well as enforcement strikes; and
- improve the method of measuring the effectiveness of the Citizens Band enforcement teams.

CHAPTER 1

INTRODUCTION

The Federal Communications Commission (FCC) regulates interstate and foreign communications by authority of the Communications Act of 1934, as amended (47 U.S.C. 151). In 1945 FCC created a citizens radio service and subsequently established three classes of service for the general public to use for voice communications, remote-device controls, and such signaling systems as office paging systems. Lack of suitable low-cost equipment in the frequency ranges allocated to these classes hindered growth of the service. By 1958 FCC had issued only 40,000 licenses in the 3 classes.

To promote growth, FCC in 1958 added a Class D service and assigned it to a frequency range permitting use of less expensive equipment. Class D is intended as a low-cost, short-distance, voice-communications service for business, necessary personal, and specified emergency uses. Operators, manufacturers, and FCC refer to the Class D service as Citizens Band, or CB.

CB grew rapidly in its early years, moderately in the late 1960s and early 1970s, and rapidly again in 1974. In the 6 months ended June 30, 1975, the number of licenses increased from 1.1 million to 1.5 million. CB represents FCC's single largest group of licenses.

Some CB users need more than one transmitter to meet their communication needs. FCC estimates that almost 6 million CB transmitters were authorized for use as of June 30, 1975. Although tests indicate that, additionally, many unlicensed operators use CB, estimates of total unlicensed CB use vary widely.

Early in 1975, under a general revision of its licensing-fee schedule, FCC reduced the cost of a 5-year CB license from \$20 to \$4. Applying for a CB license does not require showing communication needs--for example, for business use. An FCC official recently noted that the great influx of CB applications permits an examiner to spend an average of only about 2 minutes processing an application.

Initially FCC placed few restrictions on CB communications. As the number of operators increased, so did complaints about CB service. Channel congestion and CB violations tended to be greatest in the large population centers.

In 1965 FCC adopted more stringent CB rules which, among other things, prohibited nonessential communications. FCC encountered difficulty in enforcing the new rules, and the number of violations increased. In 1974 FCC started a general revision of CB rules and in August 1975 released its First Report and Order for CB, which is discussed in Chapter 4.

CHAPTER 2

MAGNITUDE AND IMPACT OF CB VIOLATIONS

CB's usefulness for low-cost business and necessary personal communications has been seriously impaired by widespread violations of CB regulations. Violations contribute to CB channel congestion, often frustrating operators who attempt to use CB legitimately. Furthermore, violations frequently interfere with television reception and the operation of other equipment. Additionally, truckers' use of CB to circumvent speed and weight laws has hampered State and local law enforcement efforts.

FCC characterizes CB violations as rampant and CB's overall situation as chaotic. In fiscal year 1975, FCC received 31,000 complaints about CB violations, including 250 investigation requests by Members of Congress. CB violations accounted for 55 percent of all complaints received by FCC about radio interference.

CB VIOLATIONS MOST COMMONLY CITED

FCC recognizes that the number of cited violations does not represent the full magnitude of CB abuse nationwide. FCC often detects violations but can't issue citations because it can't identify the stations involved.

Although more than 100 regulations govern CB's use, 6 accounted for about 70 percent of the 9,600 violations cited in fiscal year 1974. The six regulations most commonly cited 1/ dealt with:

1. Types of communications--CB could not be used for hobby or diversion communications. During fiscal year 1974, 874 violations (about 9 percent of the total) were cited.
2. Time limits--Communications could not exceed 5 consecutive minutes and, at the conclusion of each transmission, the participating stations had to remain silent for at least 5 minutes. During fiscal year 1974, 1,054 violations (about 11 percent of the total) were cited.
3. Channel selection--Channel 9 could be used only for specified emergency communications. The remaining

1/Although the 1975 version of CB rules (see ch. 4) redefined CB violations, the basic restrictions against improper CB use were retained.

22 channels could be used for communications between units of the same CB stations, but only certain of these channels could additionally be used for communications between units of different CB stations. During fiscal year 1974, 1,247 violations (about 13 percent of the total) were cited.

4. Antenna height--FCC limited the heights of transmitting antennas. During fiscal year 1974, 535 violations (about 6 percent of the total) were cited.
5. Equipment testing--A station could not be used for transmitting communications relating to any transmitter's technical performance, capabilities, or testing. During fiscal year 1974, 692 violations (about 7 percent of the total) were cited.
6. Station identification--Operators had to identify themselves by their call signs at the beginning and end of each transmission. In lieu of call signs, many operators identified themselves on the air with such pseudonyms as Silver Fox, Bootlegger, Mule Skinner, or Aggravator. The requirement for station identification was the most frequently violated in fiscal year 1974; 2,398 violations (about 25 percent of the total) were cited.

EFFECT OF VIOLATIONS ON CB USERS

To assess the extent of CB users' problems with congested channels and interference, we statistically sampled 3,740 business users whose licenses were due to expire in April, May, or June 1974. We received 339 usable responses from the 588 questionnaires distributed, 1/ in which we inquired about percentages of communications completed, need for CB, intentions to renew licenses, and reasons for not renewing. The following percentages were computed on the basis of the number of responses to each question rather than the total responses because not all users responded to all questions.

--62 percent completed half or less of their communications on the first attempt and 48 percent felt their completion rate did not satisfy their needs.

1/One hundred twenty-nine users did not reply; 91 questionnaires were returned as undeliverable; and 29 were returned incomplete and, therefore, could not be used.

- 31 percent did not intend to renew their licenses, 12 percent were undecided, and the rest indicated they would renew.
- Of those who were undecided or did not intend to renew, 63 percent still needed radio service.
- Of those needing service but not renewing, 50 percent planned to use another radio service.
- 80 percent listed congestion with hobby activity or "chitchat" as the reason for not renewing station licenses; 59 percent listed poor quality of reception or other technical limitations; and 37 percent listed malicious interference, profanity, and rude behavior on the air.

EFFECT OF VIOLATIONS ON USERS OF TELEVISION AND OTHER EQUIPMENT

In recent years, FCC has detected many CB users operating on frequencies allocated to other services and interfering with television reception and the operation of radio, telephone, and other home electronic equipment by operating unauthorized equipment, such as amplifiers that boost transmitting power above legal limits. Equipment manufacturers design and advertise such equipment specifically for use with CB transmitters.

Although communications have been restricted to 23 channels, since 1966 CB users have been detected using 84 different frequencies assigned to U.S. Government agencies and other mobile radio users. According to FCC, the increasing congestion in CB has contributed to the unauthorized use of these frequencies.

Although the intended use of CB is for short-distance communications, amplifiers capable of boosting the power of CB transmitters to about 10 times that authorized are available for less than \$85. Section 302(a) of the Communications Act authorizes FCC to make reasonable regulations governing the interference potential of devices emitting radio-frequency energy. In January 1975 FCC adopted regulations prohibiting the sale, lease, or offer for sale or lease; importing or shipping; and use of power amplifiers capable of operating on CB frequencies.

EFFECT OF VIOLATIONS
ON LAW ENFORCEMENT

Beginning in 1974 CB gained notoriety because of its use to circumvent the law. Truck drivers routinely use CB to broadcast to each other the locations of radar-equipped patrol cars and open weight-check stations. Such use of CB has become commonplace.

We requested information from officials of all States on their experience with illegal or questionable use of CB. Of the 45 States responding:

- 42 reported the use of CB to help violate laws or to avoid law enforcement.
- 41 reported truckers' use of CB to avoid speed, weight, and/or licensing checks; 7 reported use for other illegal purposes, including burglary, robbery, drag racing, unlawful assembly, prostitution, narcotics trafficking, smuggling, and transporting stolen goods.
- 20 considered misuse of CB a serious law enforcement problem.
- 12 suggested more FCC enforcement action.

Officials of 2 states said that CB benefits far outweigh its disadvantages. They cited numerous instances when motorists, mostly truckers, used CB to notify the State police of reckless and intoxicated drivers, highway obstacles, disabled vehicles, and accidents.

Several State law enforcement agencies have asked FCC for help in eliminating illegal uses of CB. For example, in 1973 the Pennsylvania State police requested FCC to identify truckers using CB to circumvent highway speed and weight limits. They proposed to prosecute the truckers for interfering with a police officer performing official duties. However, FCC has not given information to State and local law enforcement officials because the secrecy provisions of the Communications Act of 1934--18 U.S.C. 2510 and 47 U.S.C. 605--prohibit FCC from disclosing the contents of monitored conversations.

FCC enforcement efforts in August and November 1974 resulted in Department of Justice prosecution of 29 truckers for violating CB rules. All 29 either entered guilty pleas or were found guilty. FCC has taken other actions to reduce truckers' misuse of CB. For example, during February and

March 1974 it inspected radio-equipped trucks at selected weighing stations in California; in June 1974 it conducted a nationwide inspection program to educate truckers in the proper use of CB.

CHAPTER 3

PROBLEMS IN ADMINISTERING THE CB PROGRAM

Modifying FCC's enforcement strategies and eliminating gaps in its enforcement authority could increase the effectiveness of its administration of the CB program.

USE OF TRAVELING ENFORCEMENT TEAMS TO DETER CB VIOLATIONS

As the volume of CB transmitters in use increased into the millions and the system became widely abused, FCC made several studies on ways to cope with deteriorating service. Enforcing CB regulations was difficult because of the widely dispersed locations of transmitters and the failure of many operators to identify their stations.

FCC concluded from its studies that enforcement should be carried out by 13 traveling teams assigned to cover designated geographic areas. Four teams were established in 1973 and 1974. Because of budgetary constraints, no other teams were established.

The team engineers, operating from vehicles with direction-finding equipment and tape recorders, spend several evenings in a city identifying violators and inspecting stations. While the mobile team is identifying violators, a base station monitors the extent of business use, overall activity, and violation activity. Locating violators is a slow process. On the enforcement strikes we observed, locating an individual violator took as long as 60 minutes.

At the end of each strike, FCC again monitors the CB traffic and the level of violations. It assesses the effectiveness of the enforcement strike by comparing the level of violations before and after the strike. The method of measuring this effectiveness is questionable since after-strike monitoring often occurs on Sunday evenings, when CB usage could reasonably be expected to differ from usage during the week.

Although the enforcement effort--operating considerably below planned strength--has not permanently reduced CB violations, other ways to improve compliance could be strengthened or introduced.

An applicant willing to obtain a copy of CB regulations may purchase one from the Government Printing Office at a cost of \$5.35. FCC is preparing pamphlets for free distribution to station operators to help increase compliance with CB regulations. FCC--mainly its headquarters--is also conducting a limited educational program which involves group discussions of CB regulations and local CB problems.

A rule change being considered would require CB transmitters to be equipped with an automatic transmitter identification system (ATIS). If adopted, ATIS would help enforcement engineers more quickly identify and locate violators of CB regulations.

ROUTINE REDUCTION OF VIOLATORS' FINES

Before 1962, enforcement actions were limited to revocations, suspensions, warnings, or criminal penalties. Except for warnings, FCC felt the available actions were too drastic for most offenses. The enactment in 1962 of section 510 of the Communications Act gave FCC authority to assess fines for violations.

Section 510 provides for the payment of a \$100 fine for each regulation willfully violated. The maximum fine, however, cannot exceed \$500 regardless of the number of regulations violated. FCC must notify an operator of his liability within 90 days after detecting a violation.

FCC exercised its fining authority with two self-imposed limitations:

- It reduced fines from \$100 to \$25 except in unusual cases.
- Except in the most aggravated and willful cases, it would not assess a fine unless the operator was a repeat violator.

Recognizing that many violators were avoiding fines, FCC in 1970 changed its policy concerning repeat violators and reduced fines. It decided that the following violations warranted fines for first offenses:

- Failure to identify station call sign.
- Use of an unauthorized frequency.
- Use of an overheight antenna.
- Use of excessive power.
- Communication beyond a distance of 150 miles.
- Interstation use of intrastation frequencies.

Except for the excessive power violation, FCC continued to assess \$100 fines and reduce them to \$25. First offense fines for excessive power were reduced to \$50 instead of \$25.

FCC uses fines as the penalties for most violations. The following table compares the fines assessed and collected for fiscal years 1972-74.

<u>Fiscal year</u>	<u>Number of assessments</u>	<u>Amount assessed</u>	<u>Number of payments</u>	<u>Amount paid</u>
1972	610	\$124,000	360	\$ 28,366
1973	503	100,000	321	22,525
1974	<u>1,159</u>	<u>264,000</u>	<u>696</u>	<u>55,011</u>
Total	<u>2,272</u>	<u>\$488,000</u>	<u>1,377</u>	<u>\$105,902</u>

If a violator refuses to pay a fine, FCC can refer the case to the Department of Justice; it generally doesn't, however, because U.S. attorneys are reluctant to handle small-fine collection cases.

In other cases FCC has revoked licenses. During 1972-74, FCC revoked 282 licenses and issued 85 cease and desist orders. In the most severe and aggravated cases, FCC generally issues cease and desist orders and forwards the cases to the Department of Justice for criminal prosecution. During 1973 and 1974, 79 cases were sent for prosecution.

IMBALANCE IN PENALTIES IMPOSED ON LICENSED AND UNLICENSED VIOLATORS

FCC's authority to assess fines under section 510 of the Communications Act applies only to licensed CB operators. Enforcement action against unlicensed operators is normally limited to administrative procedures, such as the issuance of warning letters. Only the most serious cases are referred for criminal prosecution because FCC believes such action is generally too severe.

No reliable figures exist on the number of unlicensed operators; however, the number is probably large. FCC estimates that about one-third of all serious violators are unlicensed. Other estimates range from 50 to 80 percent of all violators. During fiscal year 1974, FCC identified about 3,400 unlicensed operators, including about 2,200 truckers. FCC's inspections of CB-equipped trucks found that nearly 57 percent of the operators were unlicensed.

Unlicensed operators commit the same types of violations as licensed operators, and FCC uses the same direction-finding techniques and equipment for identifying all violators. Once the violators are identified, however, the enforcement procedures differ. Licensed violators are sent violation-and-fine notices. Unlicensed violators are sent warning letters about the rules they are violating.

FCC has requested legislation authorizing it to assess fines against unlicensed operators.

SAFETY OF ENFORCEMENT
PERSONNEL JEOPARDIZED

When conducting investigations and inspections, FCC representatives have been increasingly subjected to vocal and physical abuse by CB users. When violence occurs, FCC's only recourse is through State and local courts.

FCC has contended for years that its representatives should be included under the statutes which make it a Federal offense to kill, maim, or assault specified Government officials performing their duties. The following example illustrates the need for this statutory protection.

In Columbus, Ohio, two FCC representatives entered and began inspecting a violating station. Cooperation was satisfactory until one representative mentioned the station was violating FCC rules. The operator of the station then became hostile, hit the representative, challenged him to a fight, and threatened to use a firearm. Requests for prosecution were filed in local courts, but the city attorney declined to prosecute.

FCC officials stated they have sought local prosecution in only a few instances because of their limited success in obtaining prosecution.

FCC believes the duties of its representatives are as hazardous as those of many other Federal officials covered by 18 U.S.C. 1114. For example, U.S. marshals often accompany FCC representatives during investigations to make arrests if needed. Assaults on U.S. marshals subject the offender to Federal prosecution under 18 U.S.C. 1114, while assaults on FCC engineers subject the offender to only State or local prosecution.

In July 1974, a legislative proposal was introduced in the House of Representatives to amend 18 U.S.C. 1114 to make it a Federal crime to kill, assault, or intimidate FCC personnel performing investigation, inspection, or law enforcement functions. This proposal resulted in no legislation. A similar bill, however, was introduced at FCC's request in January 1975.

CHAPTER 4

RECENT AND PROPOSED CHANGES IN THE CB PROGRAM

Under Docket 20120 FCC issued a notice of proposed rule-making so that all rules pertaining to the operating requirements of CB could be reevaluated. About 600 comments and reply comments were filed by affected parties. On August 7, 1975, FCC released its First Report and Order, effective September 15, 1975, amending some CB rules.

Under the amended rules, chitchat and conversations regarding equipment performance--communications which are considered to be hobby use--were removed from the list of prohibited CB uses. These communications were not included, however, in the new regulations on permissible CB uses. The Order notes that operators' voluntary compliance with CB rules is essential for effective service.

Under the old rules communications were not allowed to exceed 5 consecutive minutes, after which a 5-minute silence was required. The new rules reduce the silence period to 1 minute.

Formerly all channels, with the exception of Channel 9, could be used for calls between units of the same station. Only certain channels, however, could be used for calls between units of different stations. This intrastation-interstation distinction was eliminated under the new rules. This change relieves channel congestion while proposals are being studied for allocating additional frequencies to CB and expanding channel capacity by converting from double sideband to single sideband use of the frequencies.^{1/}

Channel 11 has now been reserved exclusively as a calling channel. Operators making contact on Channel 11 must move to another channel to conduct routine communications. Formerly the rules did not provide for a calling channel.

Receiving antennas are now subject to the height restrictions applicable to transmitting antennas. CB omnidirectional transmitting antennas mounted on the transmitting structures of other authorized radio stations now may not exceed 60 feet above ground level. Under the old rules the omnidirectional antennas could be mounted at the same height as the antenna structures to which they were attached.

^{1/}The conversion would "split" double sideband channels and result in twice as many usable channels.

Under the amended rule for station identification, an operator originating a communication is required to announce the call sign of his station only. (The operator called remains responsible for announcing his own call sign.) This change eliminates the requirement that the originating operator identify both his own and the called station.

The rule prohibiting use of another station to relay messages has been relaxed for short-distance communications--those not extending beyond 150 miles.

Evaluations under Docket 20120 are still underway concerning (1) the reallocation of additional frequencies for increasing the number of CB channels, (2) modes of emission--double or single sideband--to be authorized, (3) antenna acceptance, (4) certain technical requirements, and (5) lowering the age requirement for operators.

CB enforcement activities are handicapped by the failure of CB users to identify their stations. Under Docket 20351, a rulemaking proceeding initiated in February 1975, FCC is studying the adoption of rules requiring transmitters to be equipped with ATIS. Problems incident to adopting ATIS would include:

- Its cost in relation to the depressed state of the national economy.

- Whether an audible or subaudible system should be used.

- Its compatibility with present and future transmitter designs.

- The type of identification code to be transmitted.

CHAPTER 5

CONCLUSIONS, RECOMMENDATIONS, AND

FCC COMMENTS

CONCLUSIONS

Widespread abuse of CB has jeopardized CB's usefulness, disrupted the operation of television and other electronic equipment in residential areas, and caused difficulties for State and local law enforcement. FCC's reaction to these problems has been handicapped by (1) budgetary constraints, (2) gaps in its enforcement authority, and (3) the slow pace required for making major technical changes, such as introducing ATIS, converting to new modes of CB signal emission, and reallocating a portion of the radio frequency spectrum to CB.

Nevertheless, FCC has made changes in its administrative policy and the CB operating rules which should help efforts to curb CB abuse. Additional rule changes are still under consideration.

CB was established for the general public who did not qualify to use other radio services dedicated to such special uses as amateur broadcasting, law enforcement, and transportation or who could not afford or justify using a service requiring relatively expensive transmitting equipment.

The general public's many legitimate uses of CB would be impeded if stringent licensing rules were established. If, on the other hand, widespread abuse of CB cannot be abated in the face of its rapidly increasing use, CB's value for law-abiding users will be undermined and a portion of a valuable national resource--the radio frequency spectrum--wasted.

We believe FCC should reassess the purposes of the various radio services available to the general public to develop clear policy guidance for CB, its largest service. Such guidance would help FCC personnel engaged in CB program decisionmaking.

To control CB violations, FCC has relied primarily on the occasional short-term presence in communities of traveling enforcement teams who monitor compliance with CB regulations. We believe such enforcement efforts produce somewhat transient results.

Other existing forces which could be marshaled to foster longer-term compliance with CB regulations include:

- The publicity given to penalties assessed against CB violators.
- The peer group influence of CB clubs and similar groups.
- The increasing awareness of CB rules as more station operators become licensed and educated in proper CB use.

FCC agrees on the beneficial effect of these forces but has not developed a program to actively marshal them. A broader-based compliance program could provide the longer-term benefits which traveling enforcement teams do not. For example, a simple but major step forward would be to provide newly licensed operators with free copies of simplified CB operating rules or suggestions for avoiding commonly cited violations.

The practice of measuring enforcement effectiveness by comparing before-strike violations with after-strike violations occurring on Sunday evenings also needs improvement.

FCC acted to help curb CB abuse by:

- Discontinuing its practice of routinely reducing violators' fines.
- Prohibiting use of power amplifiers which boost CB transmitters to unauthorized levels of power.
- Reserving Channel 11 as a calling channel, which should improve procedures for establishing contact over the air.
- Making all channels, except Channel 9 (used for emergencies) and Channel 11 (used for call contacts), available for both intrastation and interstation use; this should promote fuller use of the channels.
- Tightening regulations governing use of antennas.
- Reducing the CB license fee to \$4, which should encourage some unlicensed operators to become licensed and legitimize their CB uses.

It has also requested congressional legislation (1) authorizing it to assess fines against unlicensed operators and (2) making it a Federal crime to kill, assault, or intimidate FCC personnel performing official duties.

Monitoring hobby-type conversations--which involves recording and transcribing messages and determining the nature of their content--is time consuming and has become impracticable because of the millions of CB transmitters in use. From now on FCC generally will not monitor hobby conversations per se but will, as in the past, concentrate on detecting other major violations which frequently accompany hobby use, such as failure to identify station, overpowered and out-of-band operation, obscenity, and malicious interference. This policy, in our opinion, represents a reasonable application of FCC's limited enforcement resources.

FCC, under rulemaking proceedings, is studying proposals to increase the number of CB channels and to require CB and other transmitters to be equipped with ATIS. FCC recognizes that adopting these proposals would, over a period of years, help foster compliance with CB regulations.

Many States have serious law enforcement problems because of improper use of CB by truckers and others. Several States have asked for FCC's assistance. The secrecy provisions of the Communications Act prevent FCC from cooperating with State and local law enforcement officials by divulging monitored CB conversations.

Such cooperation would require legislation which (1) lessened the privacy protection accorded CB communications and (2) expanded FCC's authority--now limited to regulating communications. Further, such cooperation with States and local jurisdictions would impose additional demands on FCC enforcement resources.

FCC lacks the authority to fine unlicensed CB users. These users can be subjected to criminal prosecution, but the large number of them together with the difficulty inherent in criminal prosecution results in only the most aggravated cases being prosecuted. Thus, a licensed user is apt to be much more readily penalized than an unlicensed one who commits the same offenses. This imbalance needs to be corrected.

Finally, FCC engineers need legal protection from the increasing vocal and physical abuse directed against them.

RECOMMENDATIONS

We recommend that the Chairman, FCC:

- Reassess the purposes of CB and other special radio services used by the general public to develop clear policy guidance for use in CB program decisionmaking.
- Consider a broader-based compliance program including publicity and educational programs as well as enforcement strikes.
- Improve the method of measuring the effectiveness of the CB enforcement teams.

FCC COMMENTS

In his letter of June 20, 1975 (see app. I), the Chairman, FCC, was generally receptive to our recommendations. Later FCC released its First Report and Order, discussed in chapter 4.

As we proposed in our draft report, FCC has established a CB calling channel and modified its policy on reducing fines.

We further proposed¹ that FCC establish additional CB channels and favorably consider requiring CB transmitters to be equipped with ATIS. FCC is considering these proposals in ongoing rulemaking proceedings.

Recommendations in this final report relate to:

- Developing specific policy guidance for administering CB.
- Considering alternate approaches to reducing CB violations.
- Improving the method of measuring enforcement effectiveness.

FCC is currently conducting in-house studies on the first two recommendations and we are cooperating with FCC on a study pertaining to the third.

CHAPTER 6

SCOPE OF REVIEW

We reviewed the policy and procedural aspects of CB rules; examined CB planning, financial, and operating records; polled licensees; observed FCC enforcement efforts; obtained information from law enforcement groups by questionnaire and interview; and contacted trade associations.

Our review was conducted at FCC's Washington, D.C., headquarters; the Norfolk, Virginia district office; and the Gettysburg, Pennsylvania processing section.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

June 20, 1975

IN REPLY REFER TO:

Mr. Victor L. Lowe
Director, General Government Division
United States General Accounting Office
Washington, D. C. 20548

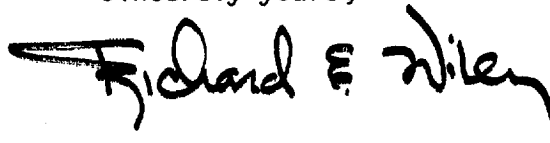
Dear Mr. Lowe:

We reviewed carefully the report you recently submitted to us entitled "Chaos in the CB Radio Program - An Assessment of the Problem" (B-159895). The Commission is appreciative of the interest your staff has taken in the CB enforcement problem.

I am well aware of the continuing serious problems we are experiencing with the CB radio service. The Commission is currently looking into the CB enforcement problem and has under consideration several proposals designed to alleviate these problems, many of which have been brought on and compounded by the expanding growth of this service. We anticipate the procedures and rules we are now considering, as well as measures recommended in the report, will help restore the CB radio service to its intended purpose - affordable business and necessary personal communication for the public.

As required, I have enclosed this Commission's comments which you requested for transmittal with the Report to Congress. In addition, I have included our response to those sections of the report we believe may contain errors of fact, conceptual inaccuracies, or to which positive steps responding to your recommendations have been taken in the interim time since the review was completed. We would welcome an opportunity to discuss these more fully with you. If you have any further questions, I or members of the staff will be pleased to assist you.

Sincerely yours,



Richard E. Wiley
Chairman

Enclosures

FCC COMMENTS ON GAO REPORT (B-159895)RECOMMENDATION 1

That the FCC take aggressive enforcement action against violators and discontinue its practice of reducing fines.

- Commission Comment -

Commission policy with respect to the present methods used in reducing fines has been evaluated from time to time since 1963, most recently in May 1973. On June 18, 1975 the Commission is again scheduled to look into this matter. Serious problems exist due to statutory limitations on collecting unpaid fines and the necessary referral of these cases to the Justice Department as well as meeting provisions of the Federal Claims Collection Act (31 U.S.C. 951) which requires a credit investigation and determination as to whether a defendant may be judgment proof. Our prior experience in processing these cases was not satisfactory. We have no authority to proceed to revocation proceedings based upon a failure to pay a forfeiture. We agree, however, that a re-evaluation of the entire policy of reducing fines is necessary.

As noted above, the Commission will consider this matter shortly.

Additionally, as a further enforcement measure, the Commission is presently considering seeking legislation which would permit CB equipment to be forfeited to the government in certain well defined situations.

GAO note: In June 1975 FCC discontinued its practice of routinely reducing violators' fines.

RECOMMENDATION 2

That the FCC require all CB transmitters be equipped with ATIS (Automatic Transmitter Identification System).

- Commission Comment -

The Commission is greatly concerned about the problems of making a positive identification of violative CB stations. As the CB service continues to grow it is becoming increasingly difficult to identify and locate the increasing number of violators who are not properly identifying themselves. To meet the problem the Commission issued a Notice of Proposed Rulemaking (Docket 20351) proposing the requirement for ATIS equipped CB transmitters. Comments are due in the Commission by August 18, 1975. This proposal, if adopted, would do much to relieve the problems encountered by Commission enforcement personnel in identifying specific transmitters. But, it should be noted that identification of the transmitter is only one facet of the total ATIS program. There would still remain the problems of registering the individual transmitters of users and providing for the re-registration of equipment that has been resold or transferred.

The ATIS proposal also would not require retro-fitting the myriad of transmitters in use, many of whose manufacturers are now out of business. Due to the life span of typical CB transmitters it would be 6-8 years before most transmitters would be equipped with ATIS. It must also be clearly understood that even with ATIS, there will still be some licensees who would defeat the system by altering their transmitters and have to be tracked down by other means. Our "type acceptance" program, however, could control the proposed requirements for new transmitters. If the Commission proceeds with final rules for ATIS prior to implementation, we plan to conduct a more detailed analysis of the system's impact on enforcement.

RECOMMENDATION 3

That the FCC adopt proposals to increase the number of CB channels.

- Commission Comment -

The Commission is reviewing comments received in Docket 20120 regarding its proposal to allocate additional channels for the use of Class D stations. This proposal would allocate approximately double the spectrum space currently available to Class D users from spectrum now reserved for land mobile radio.

The Commission also released on June 6, 1973 its Notice of Inquiry and Notice of Proposed Rule Making (Docket 19759) proposing additional CB channels (Class E) in spectrum currently shared by the Amateur Radio Service and Government Radiolocation Stations. Over 22 volumes of comments were received and a number of substantial questions have been raised. The Commission subsequently deferred decision on Class E until such time as it is able to examine these questions in more detail. Upon completion of this and upon resolution of proceedings related to and impacting on the Class E proposal, the Commission will issue its findings.

RECOMMENDATION 4

That the FCC establish a calling channel.

- Commission Comment -

The Commission has included establishment of a CB calling channel in its July 23, 1974 Notice of Proposed Rule Making (Docket 20120). Under the proposed rules one channel would be set aside to provide the means by which licensees can themselves establish an efficient and orderly operating and calling procedure. Comments on the proposal were due in to the Commission by March 23, 1975. The staff is currently reviewing the several volumes of comments received and will be preparing its recommendations to the Commission shortly.

RECOMMENDATION 5

That the FCC decide now on the future purpose of CB radio.

- Commission Comment -

The Commission agrees that a review of the purpose of CB radio is needed. The task, however, is much broader than just a review of Citizens Band Radio. To date, we have Class D - CB, expansion of Class D - CB, Class E, No-Code Amateur, and 900 MHz either presently available or proposed, each overlapping in some respects, and exclusive in others, in terms of offerings to the general public. Accordingly, the Commission is taking two steps designed to develop a much needed, overall guiding policy in this area of radio service intended for use by the public. First, the Commission's Office of Plans and Policy is considering having this matter as a high priority discussion item by our country's foremost telecommunications experts at the July 14-15 Future Planning Conference.

Second, that office will place a high priority on suggested studies for Policy Research Funding in FY-1976 leading to the development of an overall policy in this area.

RECOMMENDATION 6

That the FCC evaluate alternative enforcement methods to the CB team approach and determine how pending proposals concerning CB will affect its present plans to commit further resources to such enforcement.

- Commission Comment -

The Commission is pursuing an overall reevaluation of CB enforcement methods. This reevaluation is concentrated in the Field Operations Bureau which has been collecting data on CB radio since the first enforcement team was established in 1973. The Bureau is currently reviewing accumulated data, conducting comparison enforcement procedures, and expects to issue a report during FY-1976.

It is the procedure of the Commission to consider the enforcement impact of proposed rulemaking. As the various pending CB actions are brought forward these factors will be considered prior to final action.

RECOMMENDATION 7

That the FCC establish a valid measure of effectiveness of CB enforcement.

- Commission Comment -

As noted in our response to Recommendation 6, the Commission's Field Operations Bureau is collecting data on CB radio and is reviewing this data with the prospect of comparing various enforcement measures and methods. The General Accounting Office's regional office in Norfolk, Va., has agreed in principle to assist the Bureau in designing evaluation criteria and the Commission's staff will be working closely with them on this evaluation.

GAO note: Subsequent FCC comments relating to matters discussed in the draft report but omitted from this final report have been deleted.

PRINCIPAL FCC OFFICIALS RESPONSIBLE
FOR ADMINISTERING ACTIVITIES DISCUSSED
IN THIS REPORT

		<u>Tenure of office</u>	
		<u>From</u>	<u>To</u>
CHAIRMAN:			
Richard E. Wiley	Mar. 1974	Present	
Dean Burch	Nov. 1969	Mar. 1974	
Rosel H. Hyde	June 1966	Oct. 1969	
E. William Henry	June 1963	May 1966	
Newton N. Minow	Mar. 1961	June 1963	
Frederick W. Ford	Mar. 1960	Mar. 1961	
John C. Doerfer	July 1957	Mar. 1960	
EXECUTIVE DIRECTOR:			
Richard D. Lichtwardt	Apr. 1975	Present	
Richard D. Lichtwardt (acting)	Nov. 1974	Apr. 1975	
Stanley E. McKinney (acting)	Oct. 1974	Nov. 1974	
John M. Torbet	Jan. 1971	Oct. 1974	
Max D. Paglin	Mar. 1966	Jan. 1971	
Curtis B. Plummer	Dec. 1962	Mar. 1966	
CHIEF ENGINEER:			
Raymond E. Spence, Jr.	Apr. 1971	Present	
William H. Watkins	Mar. 1968	Jan. 1971	
Ralph J. Renton	Feb. 1966	Feb. 1968	
Edward W. Allen, Jr.	July 1951	Dec. 1965	
CHIEF, FIELD OPERATIONS:			
C. Phyll Horne	June 1973	Present	
Curtis B. Plummer	Mar. 1966	June 1973	
Frank Kratokvil	Aug. 1964	Dec. 1965	
George Turner	Mar. 1952	July 1964	
CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU:			
Charles A. Higginbotham	July 1973	Present	
James E. Barr	Feb. 1963	June 1973	
Curtis B. Plummer	Aug. 1955	Dec. 1962	

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